

LOSS Management and Maintenance Guidelines

The following Large On-Site Sewage System (LOSS) Management and Maintenance Guidelines set forth the minimum provisions to be incorporated into any Maintenance and Management System established in satisfaction of the requirements of WAC 246-272-08001(2)(a)(vi)(A)(I).

- A. **Definitions:** In addition to those definitions set forth in WAC 246-272 01001, and by this reference made a part hereof, the following terms shall have the meaning indicated:
- (1) “Developer” — Any person who proposes or intends to develop a subdivision or multiple housing unit project to be served by a Large On-Site Sewage System as defined in WAC 246-272 01001, or the heirs, successors or assigns of such person.
 - (2) “Purchaser” — Any person who purchases one or more units in a subdivision or multiple housing unit projects from a developer as herein defined, or the heirs, successors or assigns of such person.
 - (3) “Management” — Any person who forms and operates an on-site waste management system for the purposes of and under the provisions of these guidelines, or the successors or assigns of such person.
- B. **Management — Eligible Persons:** Management systems may be formed by county government through the County Services Act (Chapter 36.94 RCW), or through any appropriate agency or department of county government; by a city or town operating a sewage utility; by a metropolitan municipal corporation operating a sewage utility; by a sewer district; or by a water district or public utility district operating a sewer utility. In addition, special management corporations (see section H) may be organized to serve as management systems, subject to the special provisions of these guidelines.
- C. **Continuity:** Once established, the management system must continue to function until all on-site sewage systems under its management have been abandoned and the dwelling units or other buildings served by such on-site systems have been connected to a permanent sewer system.
- D. **Existing Statutes, Rules and Regulations, etc. — Conflict:** The waste management system must be set up in conformance with existing statutes and the rules and regulations of any applicable regulatory agencies. Any portions of these guidelines in conflict with statutes limiting the authority of any management will not be applicable; however, management may be required to find a substitute for the non-applicable requirement.
- E. **Management System Contract:** The management system shall operate through a contract between management and developer. The contract must contain a complete description of all duties, obligations, and commitment of management, developer, and purchaser; a description of all maintenance and operations requirements, and, otherwise, all of the elements set forth in these guidelines.

The contract must provide:

- (1) Agreement by management to provide maintenance and operation of on-site sewerage systems, provide surveillance of functioning of on-site sewerage systems, keep records, collect fees, disburse funds, and perform all other duties set forth in these guidelines as may be assigned to management.
- (2) Agreement by developer that, when selling property, as a condition of sale he will require the contract of sale to include a clause wherein the purchaser agrees to conform with the provisions of the management system contract relating to purchasers’ rights and obligations.

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- (3) That developer will agree to provide each purchaser a full and complete copy of the management system contract prior to purchaser's signing of purchase contract.
- (4) That, in the event the developer retains possession of property on which an on-site sewerage system is operated, the developer's obligations will include those of a purchaser with respect to that property.
- (5) Means of making amendments, additions, or deletions by mutual agreement of management, developer, and purchaser.
- (6) The right of management to contract with public or private agencies for labor and other services.
- (7) That management shall employ competent personnel familiar with the maintenance and operation of the types of on-site sewerage systems under its management.
- (8) An identification of the location in the sewerage system serving any building or group of buildings beyond which management will exercise its responsibilities (e.g. "five feet outside of the building", or "commencing at the influent to the first treatment unit").

F. **Management responsibilities.** Financial arrangements will include the following considerations:

- (1) An accounting and audit system in accordance with any applicable statutes.
- (2) A standard maintenance and operation fee.
- (3) Connection fees for initial installation of on-site sewerage systems.
- (4) Establishment of an emergency fund.
- (5) Preparation of a rate structure for various services that may be entailed beyond routine operation and maintenance due to variations in on-site sewerage systems being serviced.
- (6) Permit billing purchaser for any routine repair work or emergency work or modifications undertaken on behalf of purchaser's installation to cover costs of materials and labor.
- (7) Set maximum and minimum limits to funds on hand and establish method of rate adjustment to maintain accumulated funds within established limits.
- (8) Allow for the collection of delinquent payments through property lien or other acceptable method.
- (9) Establish a method of final disbursement of funds at such time as the management system is dissolved.

G. **Maintenance and Operation — Management and Purchaser:** Maintenance and operation procedures shall be prepared as may be best suited to the nature of the on-site sewerage systems for which management will be responsible, but in any case will include at least the following considerations:

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(1) **Routine Work:**

- a . Periodic inspection of facilities to ascertain efficiency of operation and general condition of equipment.
- b . Recordkeeping of inspections, work done, conditions found, etc.
- c . Obtaining and renewing operating permits and any associated reporting requirements.
- d . Pumping of septic tanks or other storage tanks.
- e . Maintenance of motors, pumps, etc.
- f . Replacement or repairs of work or damaged equipment.

(2) **Emergency Work:**

- a . Determining cause of any major breakdown or of any essentially complete failure of any on-site sewerage system to function as designed.
- b . Make repairs or replacements or modifications of design as required to restore functioning of system.
- c . In the event of irreparable failure of system to meet design requirements, work with purchaser and regulatory agencies to prepare and install substitute system.

(3) **Right to Enter on Purchaser's Property:** Management shall have the right to enter upon purchaser's property to perform routine inspections or work and to respond to emergency conditions, provided that:

- a . Entry on purchaser's property shall be at reasonable hours and as nearly as possible during times that will create the least disturbance to purchaser.
- b . When necessary to enter on purchaser's property, inspections or whatever work is required will be accomplished without undue delay and insofar as possible without unnecessary interruptions.

(4) **Purchaser's Right to Perform Work:** Except in the event of an emergency that demands immediate action, purchaser shall be permitted to perform all repairs, replacements and other major work than routine maintenance and operation. If purchaser elects to perform such work, it shall be under the following conditions:

- a . Design, materials, work to be performed, and time for completion shall be as directed by management.
- b . Cost of labor and materials shall be borne by purchaser.
- c . Completed work shall be inspected and approved in writing by management before being placed in service.
- d . Management may correct any improper construction performed by purchaser or require purchaser to make such corrections, and may complete any work not finished by purchaser within the time limit set by management, and may bill purchaser for all labor and materials.

(5) **Restoration:** Whenever work is performed by management on purchaser's property, management will restore all paving, planting, and other features of purchaser's property to its original condition as nearly as possible.

(6)

H. **Special Management Corporation:** In the event no public corporation such as a county agency, city or sewer district, etc., is able or willing to serve in a management capacity, a special private corporation may be established to serve this purpose. In addition to meeting the foregoing criteria and requirements, such a corporation must meet the following conditions:

- (1) It must be incorporated.
- (2) It must have elected officers.

- (3) It must have a constitution and by-laws.
- (4) There must be financial solvency on a continuous basis through a method of financing construction, maintenance, operation and emergency work related to the sewerage system to the exclusion of whatever other obligations the corporation may assume in other fields. Rates must be set at a level, which will provide ample funds for all sewerage operation and maintenance costs and cover emergencies as they occur.
- (5) There must be permanency; i.e., the corporation must be continuously in operation with regard to its sewerage activities so long as there is a need for such management service. There must be built into the organization a stated purpose to eventually shift its sewerage responsibilities to a sewer district, either existing or to be formed for the purpose, or to another type of municipal corporation operating a sewerage system (when available).
- (6) There must be some named organization, acceptable to the regulatory agencies, to which control and operation of the management corporation will pass in trusteeship in the event that no persons are willing to serve as officers of the corporation.
- (7) Funds collected for sewerage purposes must be kept in an account to be used for the sole purpose of carrying out the functions of the sewerage management system.
- (8) There should be lien powers to assure the collection of delinquent sewerage debts, and provision for adjustment of rates from time to time to meet the costs of operation.
- (9) In the event the corporation is initially run by a board of trustees, provision should be made for an election of corporate officers at the first annual meeting and transfer of control from the initial trustees to the newly elected board of trustees or corporate officers. Membership of these groups should be from among the residents of the community served.
 - a . Elections may be delayed beyond the first annual meeting until at least some stated number of voters are actually resident in the community.
 - b . Voters should be bona fide residents of the community as opposed to speculators owning property but not residing in the community.
 - c . The intent of this section is to assure control of the management system passing to the residents of the community as soon as possible.
- (10) There must be assurance of good communication between the corporate leadership and the resident population. There must be adequate notice of meetings, positive service of such notice, and meetings must be held at times and places convenient to the residents and adequate space provided.

- I. **Approval of Management System:** In accordance with the provisions of WAC 246-272-08001(2)(a) vi – For *all* new LOSS (or at the discretion of the Department for any existing LOSS repairs, modifications or expansions), a *management plan* addressing items outlined in sections A through F must be included in an engineering report and the report must be approved by the Department prior to construction.